

In the Matter of Merchant Mariner's Document No. Z-370555-D1
Issued to: SILLAS NEASLEY

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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SILLAS NEASLEY

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 24 September, 1952, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Merchant Mariner's Document No. Z-370555-D1 issued to Sillas Neasley upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as general utility on board the American SS GULF SHIPPER under authority of the document above described, on or about 23 September, 1952, while said vessel was in the port of New Orleans, Louisiana, he wrongfully had in his possession a quantity of marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him; but, when Appellant denied knowledge of the presence of marijuana in the cigarette package found on his person, the Examiner changed the plea to "not guilty."

Thereupon, the Investigating Officer introduced in evidence testimony of two Customs Agents; a Customs Chemist; a Port Patrol Officer and a Sergeant of the Customs Port Patrol.

Appellant testified in his own defense, disclaiming any knowledge of the circumstances under which the marijuana cigarette came into the pack of cigarettes found in his pocket.

At the conclusion of the hearing, having heard the arguments of the Investigating Officer and Appellant and given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved and entered the order revoking Appellant's Merchant Mariner's Document No. Z-370555-D1 and all other licenses, certificates of service and documents issued to this Appellant.

From that order, this appeal has been taken, and it is urged: that Appellant has spent nine years at sea (since 1943); that he does not use, or associate with those who do use, narcotics or "dope". He asks that his document

be suspended rather than revoked.

Based upon my examination of the Record submitted, I hereby make the following

FINDINGS OF FACT

On 23 September, 1952, Appellant was serving as general utility on board the American SS GULF SHIPPER and acting under authority of his Merchant Mariner's Document No. Z-370555-D1.

When leaving said vessel in New Orleans, Louisiana, on that date he was apprehended by Customs representatives and marijuana was found in a cigarette with other tobacco cigarettes in a Pall Mall package; loose marijuana seeds and scrapings were found in his apparel.

Appellant disclaims knowledge of the presence of the marijuana cigarette or the loose material, and implies they were "planted" by a shipmate who had left the vessel.

OPINION

The Examiner, who saw Appellant and heard him testify, is incredulous of Appellant's defense. So am I; and there appears no reason for me to extend this decision by elaborating upon the Examiner's reasoning - which seems quite sound.

CONCLUSION

I find no merit in any proposition advanced by this appeal.

ORDER

The Examiner's Order dated New Orleans, Louisiana, on 24 September, 1952, is ~~REVERSED~~ **AFFIRMED**.

A. C. Richmond
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 28th day of November, 1952.